

REMARKS

Claims 1-14 are all the claims pending in the application. Claims 9-12 have been allowed. Claims 1-8 and 13-14 have been rejected.

1. Formalities

Applicant respectfully requests that the Examiner acknowledge the claim for foreign priority and confirm that the certified copy of the priority document has been received.

The Examiner alleges that Applicant's amendments to the claims in the response of November 3, 2003, "necessitated the new grounds of rejection" and this Office Action was made final. In the previous Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by Tappura et al (EP 0,888,005 A2) ["Tappura"]. The amendments in the response broadened the scope and did not add any new limitations to at least independent claim 1.

Applicant submits that it was the Examiner's misapplication of Tappura that "necessitated" the application of Richard (US 5,633,762), not Applicant's amendments. Therefore, Applicant respectfully requests that the finality of the Office Action of February 2, 2004, be withdrawn.

2. Claims Rejections Under 35 U.S.C. § 112

The Examiner has rejected claim 8 under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. The Examiner alleges that mounting the

display device on the lid contradicts the projection of the image from the display device to the lid. Applicant traverses the rejection.

An illustrative, non-limiting embodiment where the "display device is mounted on [the] lid" is clearly shown in Figure 6 where display device 22 is mounted on lid 21. Further, the written description, on page 3, lines 10-11, discloses that the display device may be angularly movable. Applicant submits that this disclosure is sufficient to enable one skilled in the art to make and/or use the invention.

3. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-8, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Richard (US 5,633,762) ["Richard"]. Applicant traverses.

The Examiner contends that Richard's optical element 30 corresponds to the claimed reflecting member and that the combination of Richard's optical elements 30 and 18 magnify the image as recited. Applicant submits that the Examiner's interpretation of Richard is wrong.

Richard discloses an image generator 46, an optical element 18 and a lens system 37 to generate an image (see figure 1). In one embodiment an additional optical element 30 is required to generate the image (see figure 3). Applicant submits that these figures clearly illustrate that optical elements 18 and 30 are separate devices that perform different functions. In fact, Richard discloses that it is the optical element 18 (in combination with lens system 37) that magnifies the image received from the image generator (col. 7, lines 28-37) and that optical element 30 directs light from the input element to the output element (col. 5, lines 34-39).

Even assuming, for the sake of argument alone, that optical element 30 corresponds to the reflecting member, Richard does not disclose or even suggests that optical element 30 enlarges the displayed image as required by the claimed combination. Applicant submits that the Examiner's attempt to combine the functions of optical elements 18 and 30 is improper since these are clearly different elements.

Because claims 2-8, 13, and 14 depend on claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency. They further distinguish from Richard by virtue of the features recited therein.

For example, claim 4 recites that the "display device is angularly movable for positional adjustment." The Examiner contends that the sliding movement of optical lenses 36 and 38 corresponds to this feature. Applicant submits that the Examiner is mischaracterizing and/or misinterpreting the claimed combination. One skilled in the art would readily recognize that optical lenses by themselves do not correspond to a "display device" as used in the ordinary and customary meaning of the phrase. To the extent that Richard discloses a display device, it is the image generator 46, not optical lenses 36 and 38. Further, Richard does not disclose or even remotely suggest that image generator 46 is moveable. Therefore, Applicant submits that Richard does not disclose or even remotely suggest that a display device be angularly movable as required by the claimed combination.

Because claim 7 recites features similar to claim 4, Applicant submits that claim 7 is patentable for at least this additional reason.

Claim 8 recites that the display device is mounted on the lid. The Examiner contends that figure 3 shows that "display device" 36, 38 is mounted on lid 20. Even assuming, for the sake of argument alone, that optical elements 36 and 38 correspond to a display device, Applicant submits that figure 3 clearly shows that optical elements 36 and 38 are positioned on top of image generator 46, not on planar front member 20. Therefore, Richard does not disclose or remotely suggest the claimed combination.

Claim 14 recites that the "reflecting member is concave." The Examiner concedes that this feature is not disclosed in Richard but contends that it would have been obvious as a design modification. Applicant submits that the Examiner's contention is not supported by the cited art. Richard discloses a lens system 37 and an optical element 18 that must be adaptable to display an image in two different embodiments (see figures 1 and 3) and that the lens system 37 is difficult to manufacture (col. 6, lines 26-28).

Applicant submits that it would not be obvious to one skilled in the art to substitute the optical member 30 with a concave reflecting member as suggested by the Examiner because its effect on the device would necessitate design changes which could be difficult to manufacture.

In addition, there is no disclosure or suggestion in Richard that a concave element 30 is desirable and, in fact, Richard discloses that the optical element 30 may have "an integral diffractive structure" for aberration correction (col. 5, lines 35-36). Therefore, Applicant submits that an enlargement of the image by a concave element 30 would frustrate the aberration correction desired by element 30.

4. Allowable Subject Matter

Applicant thanks the Examiner for allowing claims 9-12. In the reasons for allowance, however, the Examiner contends that certain sections and elements found in Richard allegedly correspond to various elements in claim 9. Applicant does not adopt the view that these sections and elements necessarily correspond to the claimed features as suggested by the Examiner. Applicant submits that claims 9-12 are allowable by virtue of the features recited therein. Please note that Applicant has corrected some minor grammatical errors in claim 9. No new matter has been added.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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